IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2693 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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R R PATEL

Versus

STATE OF GUJARAT

Appearance:

MR BA VAISHNAV for Petitioner No. 1

MR PREMAL JOSHI, AGP for Respondent No. 1-4

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 27/06/2001

ORAL JUDGEMENT

#. Rule. Mr.Joshi, learned AGP waives service of rule for the respondents.

#. In the facts and circumstances of the case, the matter is taken up for final hearing today.

#. It is unfortunate that even though the petitioner has retired from service as back as on 31.12.1997, yet has not been paid the amount of GPF and without any valid reason worth the name the aforesaid amount is withheld by the respondents. It is an admitted fact that no departmental inquiry is pending against the petitioner, nor such inquiry is contemplated. The petitioner requested the department to release the said amount of GPF from time to time, but no action was taken by the respondents in this behalf. The petitioner has annexed the copy of the application dated 1.1.2001 at Annexure-A to the petition.

#. Looking to the facts of the case, it is clear that without any reason the aforesaid amount of GPF of the petitioner has been withheld by the respondents. It is required to be noted that when a person retired from service, his retiral dues are required to be paid forthwith without any unreasonable delay.

#. No affidavit-in-reply has been filed controverting the averments made in the petition. Practically there is no defence so far as the present petition is concerned. Under these circumstances, this petition is required to be allowed and accordingly the same is allowed. The respondents are directed to release the amount of GPF of the petitioner forthwith and in any case within a period of four weeks from today. The respondents are also directed to pay 18% interest on the said amount of GPF. The respondents are also directed to pay Rs.5000/- (Rupees five thousand only) towards the costs to the petitioner within a period of four weeks from today. It will be open for the respondents to hold the departmental inquiry against the erring officer who is found responsible for such delay in making the payment of the amount of GPF which has resulted in financial loss to the State Government insofar as the payment of interest is concerned. Rule is made absolute to the aforesaid extent.

(P.B.Majmudar,J)

(pathan)